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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,123	06/22/2001	John I. Garney	42390P11058	8260
8791	7590	06/22/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			LAMARRE, GUY J	
			ART UNIT	PAPER NUMBER
			2133	

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,123

Applicant(s)

GARNEY ET AL.

Examiner

Guy J. Lamarre

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6,8-10,12,14-19,21,23-25,27,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,8-10,12,14-19,21,23-25,27,29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

* A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08 April 2005 has been entered.

0. This office action is in response to Applicants' Amendment of 08 April 2005.

0.1 **Claims 1, 10, 19, 25** are amended, **Claims 11, 26, 28** are cancelled. **Claims 1, 3, 6, 8-10, 12, 14-19, 21, 23-25, 27** and **29-30** remain pending.

0.2 The objections of record are withdrawn in response to Applicants' Amendments.

0.3 The prior art rejections of record are maintained in response to Applicants' Amendments.

Response to Arguments

* Applicants' arguments have been fully considered, but they are not found persuasive.

REMARKS

* In response to **Claims 1, 3, 6, 8-10, 12, 14-19, 21, 23-25, 27** and **29-30**, Applicants argue, on page 9 para. 1 et seq., that the prior art of record does not teach benefits of the claimed invention, i.e., 'no change to ECC, no extra storage need, ...'

Examiner disagrees and notes that no such benefits are incorporated as limitations in the claims at bar. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).'

Therefore, said claims are not distinguished over the prior art of record.

Claim Objections

1. **Claim 10** shall end in a period.

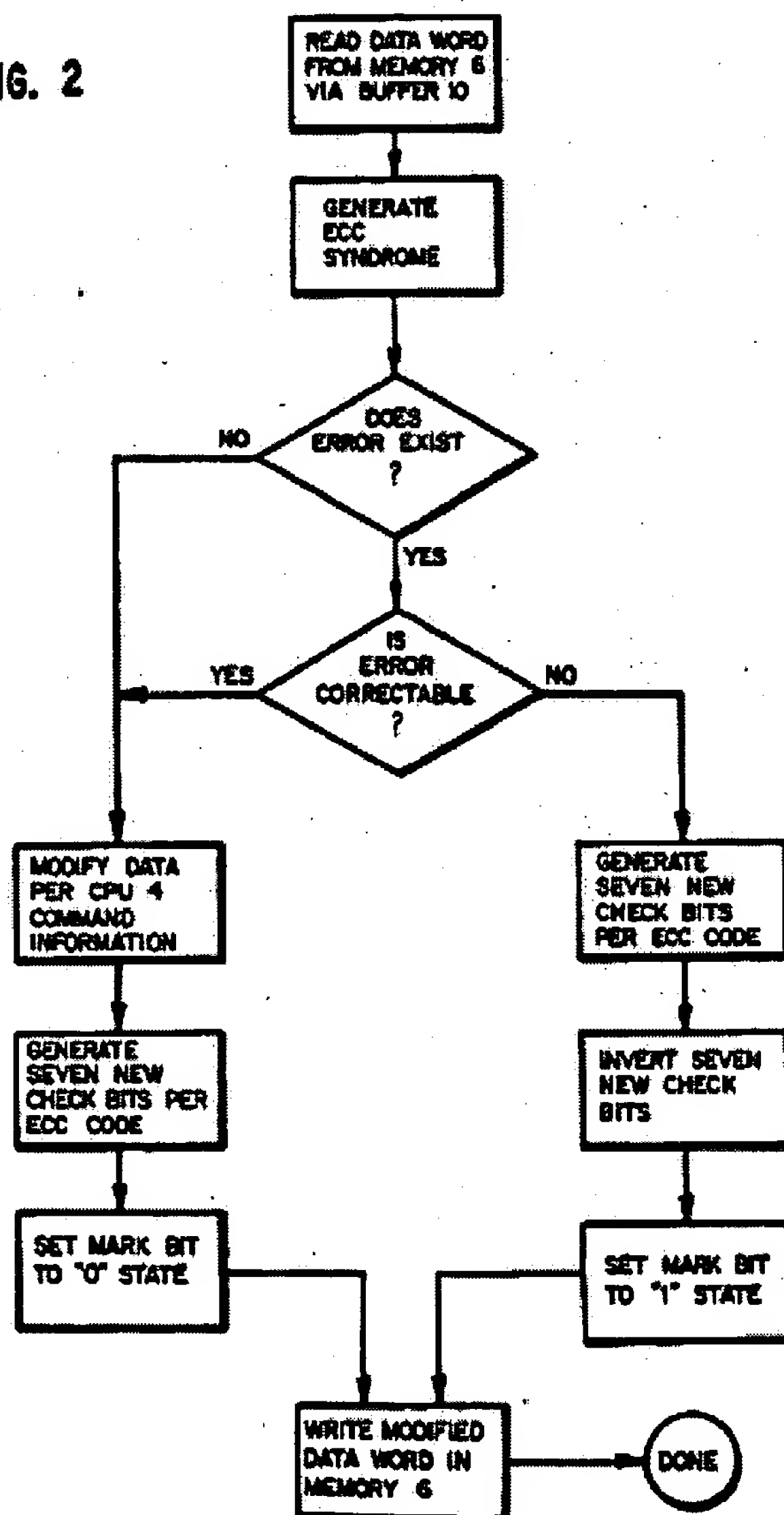
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It is not clear to the Examiner what is meant by 'within properties of the ECC in Claims 1, 10, 19, 25. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. Claims 1, 3, 6, 8-10, 12, 14-19, 21, 23-25, 27 and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by **Gagliardo** (EP Patent No. 0 381 885; issue date: 16 Aug. 1990).

As per Claims 1, 3, 6, 8-10, 12, 14-19, 21, 23-25, 27 and 29-30, **Gagliardo** anticipates the claimed invention because Fig. 2 depicts, for a memory protection wherein bad/uncorrectable data access is prevented, means for:

FIG. 2

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reading data from a memory location; determining if the data read is corrupt; and writing a failure codeword in the memory location if the data read is corrupt wherein the failure codeword is chosen so that it has a mathematical distance greater than all correctable data patterns, the failure codeword being chosen so that its mathematical distance from all correctable data patterns of the error correction code is greater than the minimum distance of the error correction code (equivalent to generating new check bits followed by bit reversal thereof, and mark bit setting so as to differentiate uncorrectable/corrupted data from error-free data wherein correctable data fall within the minimum distance of the ECC code and uncorrectable data fall outside or exceed the minimum distance of the ECC code so as to undergo no correction during transfer); wherein the data read is encoded by an error correction code via ECC syndrome means; wherein the data read includes coding bits which are utilized for error correction of the data via modifying means *per CPU 4 command information*; wherein determining if the data read is corrupt includes, decoding the data read based on an error correction code, e.g., via modifying means *per CPU 4 command information*; wherein determining if the data read is corrupt includes, determining if the data read is different from the data originally written to the memory location; and further comprising: writing the data to the memory location from where it was read if the data is not corrupt via *write modified data word in memory 6*.

Gagliardo discloses the claimed hardware/apparatus and software/machine-readable medium implementation means in Figs. 1-3 and related description.

Conclusion

* Any response to this action should be mailed to:

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or faxed to: (703) 872-9306 for all formal communications.

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Hand-delivered responses should be brought to Customer Services, 220 20th Street S., Crystal Plaza II, Lobby, Room 1B03, Arlington, VA 22202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy J. Lamarre, P.E., whose telephone number is (571) 272-3826. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (571) 272-3819.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3609.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Guy J. Lamarre, P.E
Primary Examiner
6/14/2005
